

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEARBORN GOLDEN
INVESTMENTS, LLC,

Plaintiff,

Case No. 2:20-cv-13115

District Judge Paul D. Borman

Magistrate Judge Anthony P. Patti

v.

UPPERCUT BROS, LLC, ABBAS
BAZZY, RY LANDSCAPING LLC,
and RANDY YOUHAN,

Defendants.

**ORDER CONDITIONALLY GRANTING DEFENDANTS BAZZY AND
UPPERCUT BROS, LLC'S MOTION (ECF NO. 20) TO SET ASIDE
CLERK'S ENTRIES OF DEFAULT (ECF Nos. 12, 13), HOLDING
MOTION TO INTERVENE IN ABEYANCE (ECF No. 15) and STATUS
CONFERENCE ORDER**

A. Background

In September 2017, Dearborn Golden Investment, LLC (DGI) and Mahmoud Hammoud sued Ayah Holdings, LLC, Hassan Hammoud, and Hussein Hammoud in state court. The case was dismissed on March 27, 2018. Case No. 17-013444-CB (Wayne County Circuit Court). (ECF No. 24-2.)

On June 1, 2018, DGI and Uppercut Bros, LLC entered into a "Commercial Lease Agreement" with respect to the property known as 6650

Chase, Dearborn, Michigan 48126. (ECF No. 24-5.) On December 19, 2019, DGI sued UpperCut Bros, LLC, Abbas Bazzy, and Randy Youhan in federal court, complaining of conduct allegedly occurring at 6650 Chase Road. *See* Case No. 2:19-cv-13727-PDB-RSW (E.D. Mich.).

Approximately one month later, on January 29, 2020, the parties to the state court lawsuit, as well as MH Property Holdings, LLC, executed a “Limited Mutual Release and Settlement Agreement.” (ECF No. 24-3.) On January 31, 2020, following DGI’s notice of voluntary dismissal, the initial federal court lawsuit was dismissed with prejudice.

B. Instant Matter

On November 23, 2020, DGI filed a second federal court lawsuit against the same Defendants – UpperCut Bros, LLC, Abbas Bazzy, and Randy Youhan – as well as RY Landscaping, LLC. Here, too, DGI complains of conduct allegedly occurring at 6650 Chase Road. (ECF No. 1, PageID.3.) The causes of action are: (1) action to abate nuisance; (2) RICO; (3) RICO (18 U.S.C. § 1962); and, (4) civil conspiracy. (*Id.*, PageID.7-11.)

C. Instant Motion

Currently pending before the Court are: (1) Hussein Hammoud and MH Property Holdings, LLC’s February 2021 motion to intervene (ECF No. 15), as to which Plaintiff has filed a response (ECF No. 18); and, (2) Defendant Abbas

Bazzy and Uppercut Bros, LLC's March 2021 motion to set aside default (ECF No. 20), as to which Plaintiff has filed a response and exhibit (ECF No. 23, 24), and Bazzy and Uppercut have filed a reply (ECF No. 29).

On April 23, 2021, Judge Borman entered an order requiring party LLCs to disclose individual members, responses to which were due on May 7, 2021 but were not required to be filed on the docket. (ECF No. 31.) He then referred these motions to me for hearing and determination. (ECF No. 34.) The Court held a combined video hearing and status conference on May 12, 2021, at which Attorneys Alexander V. Lyzohub, Mohammed Abdrabboh, Scott S. Yaldo, and Samer M. Fakih appeared.¹

D. Order

For the reasons stated by the Court on the record, all of which are incorporated by reference as if restated herein, Defendants Bazzy and Uppercut Bros's March 14, 2021 motion (ECF No. 20) is **CONDITIONALLY GRANTED**, subject to the stipulations paced on the record by defense counsel. Namely, Attorney Mohammed Abdrabboh will accept service on behalf of his clients – Uppercut Bros, LLC and Abbas Bazzy – and they will not contest personal jurisdiction. Defendants Uppercut Bros. and Bazzy will file their

¹ Mahmoud Hammoud, seemingly an individual member of DGI, was also on the call.

answer(s) no later than **Wednesday, June 2, 2021**. If – and only if – their answer is timely filed will the Clerk of the Court set aside the Clerk’s January 18, 2021 entries of default against them (ECF Nos. 12, 13).

Based on the ongoing settlement discussions, Hussein Hammoud and MH Property Holdings, LLC’s February 12, 2021 motion to intervene (ECF No. 15) – as to which DGI has already filed a response (ECF No. 18) – is **HELD IN ABEYANCE**. The Court will conduct a video status conference on **Thursday, June 17, 2021 at 4:00 p.m.** Should the motion to intervene go forward, the movants will be permitted to file a reply brief, the due date for which will be set at the next status conference. Defendants – Uppercut Bros, Bazzy, RY Landscaping, and Youhan – do not plan to oppose the motion to intervene, should it go forward.

IT IS SO ORDERED.²

Dated: May 12, 2021



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

² The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).